

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, November 1, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #13-2018

Subject Property Information

Name of Applicant & Owner:	Nathan Bloom & Connie Bloom PO Box 34 Fort Shaw, MT 59443-0034
Legal Description:	S12, T20N, R2W, Mk 3A
Geo-Code(s):	02-3011-12-4-01-05-0000
Parcel Number(s):	0004595300
Parcel Size:	12.98 Acres
Existing Zoning:	Agricultural (A)
Requested Action:	Approval of a Special Use Permit to allow the expansion of a pre- existing non-conforming Second Dwelling
Surrounding Land Uses / Zoning:	North: Residential / A South: Residential / A East: Residential / A West: Farm/Pasture Vacant / A
Current Land Use:	Residential
Applicable Regulations:	Sections 7.2.4(39), 10, & 11.1 Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Nathan Bloom and Connie Bloom to allow the expansion of a pre-existing non-conforming second dwelling on their land legally described as Parcel 0004595300, Geocode 02-3011-12-4-01-05-0000, Cascade County,

MT. The applicant is requesting that a Special Use Permit be granted as required by Sections 7.2.4(39) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Agricultural (A) Zoning District. Second dwellings are allowed in the A District pursuant to Sections 7.2.4(39) of the Cascade County Zoning Regulations. *"Agricultural District...Uses Permitted Upon Issuance of a Special Use Permit...Second dwelling unit on parcel less than 20 acres."*
2. Connie Bloom is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance.

4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 21, 2018 and October 28, 2018. Legal Notice was sent to adjacent property owners on October 19, 2018. As of writing this staff report, planning staff has received no phone calls or written comments/concerns.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the dwelling unit is from an existing approach.
8. The original residence was established on the property in 1975, and the second residence was established in 1998, according to tax records, both predating the establishment of County-wide zoning regulations. Section 11.1 of the current Cascade County Zoning Regulations state "A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment..."

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: The Mobile Home will be set up next to my Mobile Home and the well will be shared as well as septic, there will be no effects on any streets or intersections.

Staff: The impact to traffic conditions will be negligible and in line with existing development in the town of Fort Shaw and the immediate area.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: We will share the well and septic but all utilities will be individual to each Mobile Home.

Staff: There is an existing septic system and well in place that does not have a permit issued through the City-County Health Department, and may need to be adjusted to accommodate the additional residence. Health Department approvals will need to be obtained. Other services are readily available given the proximity to Fort Shaw.

- c. Soil erosion and sedimentation.

Applicant: N/A

Staff: When considering the relative size of the parcel (12.98 acres) in relation to the proposed project, it is unlikely there would be any impact on soil erosion and sedimentation.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: There won't be any adverse effects on any well water or all surface waters.

Staff: Staff does not anticipate any significant impacts to the groundwater or water supplies in the area when the septic system and well have been approved by the City-County Health Department. There is a creek approximately an eighth of a mile away on neighboring property which is unlikely to be affected by the expansion of this septic system.

- 3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: There will not be any conflicts to any surrounding areas.

Staff: The proposed development is in line with existing residential development in Fort Shaw and surrounding nearby parcels, and will be a less intensive use than some other permitted principal uses in the Agricultural district, such as Power Plant under 1 megawatt, a Commercial building for raising, breeding and boarding small domestic animals, or a golf driving range.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: No response.

Staff: While the proposed development is not necessary to public health, safety, and general welfare, Staff does not believe that an expansion of this existing residential development will generate any contentious issues in the area.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: There will be no relationship issues with this move, there is both sufficient well water and septic tank size to handle both mobile homes safely.

Staff: Staff does not anticipate any conflicts with the surrounding residential uses with the addition of an expanded residential development. Residential density will

increase, but will still be less than other development in that area.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. *Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. *Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. *Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. *Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. *Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: No response.

Staff: An additional resident in the Fort Shaw area will mean more residents putting money back into the local economy and broaden the County's tax base. As a residential use it will have a negligible impact on commercial development and growth.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. Assure clean air, clean water, a healthful environment and good community appearance.*
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: No response.

Staff: This proposal will preserve the open space setting of the County by expanding an existing residential development. The impact to natural resource development will be non-existent and the property is neither a Superfund or Brownfield site.

GOAL 3: Maintain Agricultural economy

- A. *Protect the most productive soil types.*
- B. *Continue to protect soils against erosion.*
- C. *Protect the floodplain from non-agricultural development.*
- D. *Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: The mobile home will be placed next to an existing mobile home with about 15 or 20 feet between them which I eventually would like to partially enclose with a breezeway between for protection from bad weather for my mom. This will in no way conflict with our pasture or any other ag industry here.

Staff: It is unlikely that the expansion of this residence would have an adverse impact on the agricultural economy of the area. According to the US Department of Agriculture's Web Soil Survey, roughly half of the property soil is classified as Binna loam and is considered farmland of statewide importance, however the proposed location of the expansion is in the Lallie silty clay loam, which is not considered prime farmland. The size of the parcel and the proposed project would restrict any agricultural operation to a very small scale, but it is ideal that the applicant intends to retain the pasture use of the property. The property is outside of any Special Flood Hazard Area.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. *Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. *Promote the location of additional military missions in Cascade County.*
- C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. *Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: There are missile gates and lines crossing the property and we will greatly accept any further mission status needed.

Staff: Staff does not believe that this application will have any impact on the presence of the US Military in Cascade County. The

nearest launch facility is approximately three miles due south on Birdtail Creek Road.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. *Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. *Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. *Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: This move will not conflict with any county history or heritage, my dad is very involved in county and homestead history as well as history of the fort here and the Native American history and heritage too.

Staff: Planning staff agrees that this proposal will allow the intended user of the residential expansion a greater degree of independence. The site will be serviced by the Fort Shaw Volunteer Fire Department, which is located on the northern side of Fort Shaw approximately three-quarters of a mile away.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No response.

Staff: The proposal will not have a negative impact on the municipal or joint land use plans, but is likely to have a positive effect on the character of the County and the Fort Shaw area.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the expansion of a pre-existing non-conforming Second Dwelling on Parcel 0004595300, Geocode 02-3011-12-4-01-05-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the expansion of a pre-existing non-conforming Second Dwelling on Parcel 0004595300, Geocode 02-3011-12-4-01-05-0000 subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant constructs breezeway connecting two mobile homes within one year of issuance of this permit.
 3. Applicant obtain water and wastewater approval and septic permit from the Cascade City-County Health Department.

Attachments:

- Special Use Permit Application, Zoning Section 7.2.4(39), 11.1, NRCS Web Soil Survey, Vicinity Map, Tax History, Cadastral Property Record

cc: Nathan Bloom and Connie Bloom